

Application Serial No. 10/798,286  
Reply to Office Action dated August 11, 2006

### REMARKS/ARGUMENTS

Initially, the Applicant would like to thank the Examiner and his Supervisor for taking the time to discuss the outstanding Office Action during the telephone interview conducted on November 8, 2006. During the interview, it was agreed that amending claims 10 and 15 to recite that the refrigeration system, except for the stirring fan, is mounted above the cabinet shell would overcome the claim objections presented by the Examiner. In addition, it was agreed that amending claims 8 and 13 to recite that the operational speed of the evaporator fan is reduced based on a reduction in the operating speed of the compressor would overcome the 35 U.S.C. § 112, second paragraph rejection presented by the Examiner. With regard to the remaining rejections, the Examiner agreed that Whipple, III (U.S. Patent No. 5,711,159) does not teach many of the particulars of the independent claims of the invention.

In general, the invention covered in independent claim 1 is directed to a variable speed refrigeration system for a refrigerator including a cabinet shell having a fresh food compartment and a freezer compartment. A variable position damper is provided in a passage that extends between and fluidly interconnects the fresh food and freezer compartments. The refrigeration system includes a compressor, an evaporator fan and a fresh food compartment air stirring fan, each of which is operable at varying speeds. A plurality of sensors detect various operating parameters of the refrigerator and provide input to a control system that alters a position of the damper and varies the operational speeds of the compressor, evaporator fan and stirring fan based on signals received from the plurality of sensors. Claim 11 recites a control system that regulates the refrigeration system by establishing an operational speed of the evaporator fan based on signals received from an evaporator coil temperature sensor and an ambient air temperature sensor. Claim 11 also requires that the refrigeration system include a compressor, evaporator fan and fresh food compartment air stirring fan, each of which is operable at varying speeds. Finally, claim 16 recites, in method format, varying an operational speed of a compressor based on a desired operating temperature and a temperature in a

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refrigerator compartment, while also varying an operational speed of an evaporator fan based on the operational speed of the compressor.

As discussed during the interview, Whipple, III does not teach an air stirring fan positioned in a fresh food compartment that is operable at a varying speed as required by claims 1 and 11, nor does Whipple, III teach varying an operational speed of an evaporator fan based on the operational speed of the compressor as required by claim 16. At best, Whipple, III teaches a condenser fan that is operable at variable speeds, with an evaporator fan and a compressor being controlled independent of one another. It was further agreed that the secondary reference to Kopko (U.S. Patent No. 6,286,326) does not teach a fresh food compartment stirring fan but merely an evaporator fan associated with a fresh food compartment.

Based on the above remarks, amendments to the claims and agreements reached with the Examiners, it is respectfully submitted that the present invention is patentably defined over the prior art of record such that allowance of all claims and passage of the application are respectfully requested. If the Examiner should have any additional questions regarding this matter, he is cordially invited to contact the undersigned at the number provided below to expedite prosecution.

Respectfully submitted,



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